

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/066,766

PATENT APPLICATION
Atty. Docket No.: Q68400

REMARKS

Claims 1 - 36 are presently pending. Applicant thanks the Examiner for noting the allowable subject matter of claims 1 - 27, 29, 30, 32, 33 and 36.

RECEIVED
CENTRAL FAX CENTER

JAN 06 2005

I. Rejection of Claims 28, 31 and 34 Under 35 U.S.C. § 103

The Examiner rejects claims 28, 31 and 34 under 35 U.S.C. § 103 as allegedly being unpatentable over USP 5,652,752 to Suzuki. For the following reasons this rejection is respectfully traversed.

Independent claims 28, 31 and 34 recite among other things (as a method, system and base station, respectively) a *base station* that is transmitting *only* a control signal to a *mobile station only* if the signal quality from that *mobile station* is higher than a target quality. The Examiner compares Suzuki's Col. 2, lines 55 - 67, to the above features of the noted claims. This comparison is inapposite as explained below.

Suzuki's disclosure at Col. 2, lines 55 - 67, describes a base station communicating with another base station. In brief, the reference is deficient at least for not teaching or suggesting communication between a base station and a mobile station, as recited by Applicant's claims.

Suzuki's disclosure at Col. 2, lines 55 - 67, also describes a base station transmitting not only a control signal, but also acting as a repeater through transmission of another base station's pilot signal. The noted citation states that "the base station acts as a slave base station[.]" and one of ordinary skill in the art recognizes that the technical connotation of "slave" means that the base station in question has subverted itself to act as a repeater for the master station's

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/066,766

PATENT APPLICATION
Atty. Docket No.: Q68400

transmission. Moreover, the noted citation also states that the slave base station is not just re-transmitting the master's transmission, but also "transmit[s] a common control signal."

Suzuki's base station in question is therefore transmitting at least two signals, and therefore fails to meet the features of Applicant's independent claims which require the station to transmit *only* a control signal to a mobile station *only* if the signal quality from that mobile station is higher than a target quality. In view of Suzuki's above-noted deficiencies, the Examiner is respectfully requested to reconsider and withdraw this rejection.

II. Objection to Claim 35

Claim 35 is objected to for reading "[t]he base station" instead of "the mobile station[.]" Applicant has herein amended claim 35, obviating the noted objection.

Applicant asserts the patentability of claim 35 both for its individual recitation and as depending from (and therefore including the subject matter of) claim 34 (wherein claim 34 is patentable for reasons explained above in Part I of this Amendment).

III. Conclusion

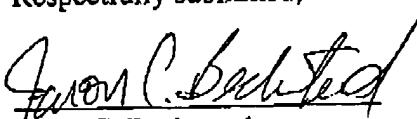
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/066,766

PATENT APPLICATION
Atty. Docket No.: Q68400

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Jason C. Beckstead
Registration No. 48,232

SUGHRUE MION, PLLC
Telephone: (650) 625-8100
Facsimile: (650) 625-8110

MOUNTAIN VIEW OFFICE

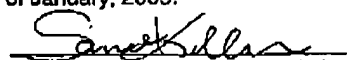
23493

CUSTOMER NUMBER

Date: January 6, 2005

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this AMENDMENT UNDER 37 C.F.R. § 1.111 is being facsimile transmitted to the U.S. Patent and Trademark Office this 6th day of January, 2005.


Sanae Kusakabe